

FORTY-THIRD DAY - MARCH 13, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****FORTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 13, 2003

PRAYER

The prayer was offered by Pastor Charles Larsen, Country Bible Church, Blair, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Heineman presiding.

The roll was called and all members were present except Senators Brashear, Friend, Johnson, Loudon, and Quandahl who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-second day was approved.

UNANIMOUS CONSENT - Member Excused

Senator Price asked unanimous consent to be excused until she returns. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

February 28, 2003

President, Speaker Bromm
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Bromm, and Members:

Contingent upon your approval, the following individual has been appointed to the Nebraska Investment Council.

APPOINTEE:

Richard DeFusco, 6611 S 41st St, Lincoln, NE 68516-2909

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

ANNOUNCEMENT

Senator Johnson designates LB 139 as his priority bill.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 439A. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 439, Ninety-eighth Legislature, First Session, 2003; and to reduce an appropriation.

GENERAL FILE

LEGISLATIVE BILL 165A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

MOTION - Withdraw LB 805

Senator Wehrbein renewed his pending motion, found on page 833, to withdraw LB 805.

The Wehrbein motion to withdraw prevailed with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 197. Title read. Considered.

The Standing Committee amendment, AM0458, found on page 589, was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

AMENDMENT - Print in Journal

Senator Redfield filed the following amendment to LB 125:
AM0788

1 1. Insert the following new sections:

2 "Sec. 2. Section 44-371, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 44-371. (1)(a) All proceeds, cash values, and benefits
5 accruing under any annuity contract, under any policy or
6 certificate of life insurance payable upon the death of the insured
7 to a beneficiary other than the estate of the insured, or under any
8 accident or health insurance policy shall be exempt from
9 attachment, garnishment, or other legal or equitable process and
10 from all claims of creditors of the insured and of the beneficiary
11 if related to the insured by blood or marriage, unless a written
12 assignment to the contrary has been obtained by the claimant.
13 (b) ~~This subsection shall not apply to an individual's~~
14 ~~aggregate interests greater than ten thousand dollars on all loan~~
15 ~~values or cash values of all matured or unmatured life insurance~~
16 ~~contracts or to all proceeds, cash values, or benefits accruing~~
17 ~~under all annuity contracts owned by such individual.~~
18 ~~Notwithstanding anything in this subdivision to the contrary, the~~
19 ~~aggregate exemptions any person may claim under this subdivision~~
20 ~~and subdivision (2)(b) of section 44-1089 shall not exceed ten~~
21 ~~thousand dollars.~~

22 (c) ~~No insurance company shall be liable or responsible~~
23 ~~to any person to determine or ascertain the aggregate total of life~~
24 ~~insurance policy or annuity contract loan values, cash values,~~
1 ~~proceeds, or benefits for any policyholder or annuitant.~~

2 (2) Notwithstanding subsection (1) of this section, an
3 individual's interest in all loan values or cash values of all
4 matured or unmatured life insurance contracts or policies and in
5 all proceeds, cash values, or benefits accruing under all annuity
6 contracts owned by such individual shall not be exempt from
7 attachment, garnishment, or other legal or equitable process or
8 from any other claims of creditors of the insured and of the
9 beneficiary if related to the insured by blood or marriage, to the
10 extent that the loan value or cash value of any matured or
11 unmatured life insurance contract or the proceeds, cash values, or
12 benefits accruing under any annuity contract was established or
13 increased through contributions, premiums, or any other payments
14 made within three years prior to bankruptcy or within three years
15 prior to entry against the individual of a money judgment which
16 thereafter becomes final. An insurance company shall not be liable
17 or responsible to any person to determine or ascertain the
18 existence or identity of any such creditors prior to payment of any
19 such loan values, cash values, proceeds, or benefits.

20 (3) Notwithstanding subsection (1) of this section,
21 proceeds, cash values, and benefits accruing under any annuity

22 contract or under any policy or certificate of life insurance
23 payable upon the death of the insured to a beneficiary other than
24 the estate of the insured shall not be exempt from attachment,
25 garnishment, or other legal or equitable process by a judgment
26 creditor of the beneficiary if the judgment against the beneficiary
27 was based on, arose from, or was related to an act, transaction, or
1 course of conduct for which the beneficiary has been convicted by
2 any court of a crime punishable only by life imprisonment or death.
3 No insurance company shall be liable or responsible to any person
4 to determine or ascertain the existence or identity of any such
5 judgment creditor prior to payment of any such proceeds, cash
6 values, or benefits. This subsection shall apply to any judgment
7 rendered on or after January 1, 1995, irrespective of when the
8 criminal conviction is or was rendered and irrespective of whether
9 proceedings for attachment, garnishment, or other legal or
10 equitable process were pending on March 14, 1997.

11 Sec. 3. Section 44-1089, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 44-1089. (1) No noninsurance benefit, charity, relief,
14 or aid to be paid, provided, or rendered by any society shall be
15 liable to attachment, garnishment, or other process, or to be
16 seized, taken, appropriated, or applied by any legal or equitable
17 process or operation of law to pay any debt or liability of a
18 member or beneficiary, or any other person who may have a right
19 thereunder, either before or after payment by the society.

20 (2)(a) All proceeds, cash values, and benefits accruing
21 under any annuity contract, under any policy or certificate of life
22 insurance payable upon the death of the insured to a beneficiary
23 other than the estate of the insured, or under any accident or
24 health insurance policy shall be exempt from attachment,
25 garnishment, or other legal or equitable process and from all
26 claims of creditors of the insured and of the beneficiary if
27 related to the insured by blood or marriage, unless a written
1 assignment to the contrary has been obtained by the claimant.
2 (b) ~~This subsection shall not apply to an individual's~~
3 ~~aggregate interests greater than ten thousand dollars on all loan~~
4 ~~values or cash values of all matured or unmatured life insurance~~
5 ~~contracts or to all proceeds, cash values, or benefits accruing~~
6 ~~under all annuity contracts owned by such individual.~~
7 ~~Notwithstanding anything in this subdivision to the contrary, the~~
8 ~~aggregate exemptions any person may claim under subdivision (1)(b)~~
9 ~~of section 44-371 and this subdivision shall not exceed ten~~
10 ~~thousand dollars.~~

11 (c) ~~No fraternal benefit society shall be liable or~~
12 ~~responsible to any person to determine or ascertain the aggregate~~
13 ~~total of policy or certificate of life insurance or annuity~~
14 ~~contract loan values, cash values, proceeds, or benefits for any~~
15 ~~policy or certificate owner or annuitant.~~

16 (3) Notwithstanding subsection (2) of this section, an

17 individual's interest in all loan values or cash values of all
 18 matured or unmatured life insurance contracts or policies and in
 19 all proceeds, cash values, or benefits accruing under all annuity
 20 contracts owned by such individual shall not be exempt from
 21 attachment, garnishment, or other legal or equitable process or
 22 from any other claims of creditors of the insured and of the
 23 beneficiary if related to the insured by blood or marriage, to the
 24 extent that the loan value or cash value of any matured or
 25 unmatured life insurance contract or the proceeds, cash values, or
 26 benefits accruing under any annuity contract was established or
 27 increased through contributions, premiums, or any other payments
 1 made within three years prior to bankruptcy or within three years
 2 prior to entry against the individual of a money judgment which
 3 thereafter becomes final. A fraternal benefit society shall not be
 4 liable or responsible to any person to determine or ascertain the
 5 existence or identity of any such creditors prior to payment of any
 6 such loan values, cash values, proceeds, or benefits.

7 (4) Notwithstanding subsection (2) of this section,
 8 proceeds, cash values, and benefits accruing under any annuity
 9 contract or under any policy or certificate of life insurance
 10 payable upon the death of the insured to a beneficiary other than
 11 the estate of the insured shall not be exempt from attachment,
 12 garnishment, or other legal or equitable process by a judgment
 13 creditor of the beneficiary if the judgment against the beneficiary
 14 was based on, arose from, or was related to an act, transaction, or
 15 course of conduct for which the beneficiary has been convicted by
 16 any court of a crime punishable only by life imprisonment or death.
 17 No fraternal benefit society shall be liable or responsible to any
 18 person to determine or ascertain the existence or identity of any
 19 such judgment creditor prior to payment of any such proceeds, cash
 20 values, or benefits. This subsection shall apply to any judgment
 21 rendered on or after January 1, 1995, irrespective of when the
 22 criminal conviction is or was rendered and irrespective of whether
 23 proceedings for attachment, garnishment, or other legal or
 24 equitable process were pending on March 14, 1997."

25 2. On page 12, line 3, after "Original" insert "sections
 26 44-371 and 44-1089, Reissue Revised Statutes of Nebraska, and"; and
 27 in line 4 strike "is" and insert "are".

1 3. Renumber the remaining sections accordingly.

ANNOUNCEMENTS

The Nebraska Retirement Systems Committee designates LB 149 as its priority bill.

Senator Engel designates LB 17 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 209. Title read. Considered.

Senator Mossey asked unanimous consent to be excused. No objections. So ordered.

SENATOR CUDABACK PRESIDING

Pending.

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE RESOLUTION 39. Reported to the Legislature for further consideration.

(Signed) Jim Jensen, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

DeFusco, Richard - Nebraska Investment Council - Nebraska Retirement Systems

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

AMENDMENTS - Print in Journal

Senator Baker filed the following amendment to LB 608:
FA1196

Amend AM0621

On page 22, line 21 after the period insert "For taxpayers qualifying under subsection (3)(b) of this section, the qualifying wage shall be equal to 75% of the minimum qualifying wage otherwise applicable.

Senator Dw. Pedersen filed the following amendment to LB 303:
AM0789

(Amendments to Standing Committee amendments, AM0159)

- 1 1. On page 16, line 21, strike "and"; and in line 25
- 2 after "Act" insert "and (e) carries proof that he or she has
- 3 consented to a donation of his or her body organs and tissues as
- 4 provided in section 60-494".

Senator Jones filed the following amendment to LB 452:

(Amendment, AM0796, is printed separately and available in the Bill Room, Room 1104.)

GENERAL FILE

LEGISLATIVE BILL 756. Title read. Considered.

The Standing Committee amendment, AM0727, found on page 776, was considered.

Senator McDonald offered the following amendment to the Standing Committee amendment:
AM0769

(Amendments to Standing Committee amendments, AM0727)

- 1 1. On page 1, lines 8 and 9, after "cancer" insert "or
- 2 its side effects"; and strike beginning with "physician" in line 18
- 3 through "physician" in line 19 and insert "person licensed to
- 4 practice medicine and surgery or osteopathic medicine and surgery".
- 5 2. On page 4, line 2, strike "with the approval" and
- 6 insert "upon the recommendation".

The McDonald amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Senator Burling asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 726. Title read. Considered.

Senator Schimek renewed her pending amendment, AM0748, found on page 788.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

The Schimek amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Senators Aguilar, Bromm, and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Smith offered the following amendment:

FA1197

Line 9 strike "Visitors Promotion" and replace with "General"

SENATOR ENGEL PRESIDING

Senators Cudaback and D. Pederson asked unanimous consent to be excused. No objections. So ordered.

Senator Smith withdrew his amendment.

Senator Beutler moved the previous question. The question is, "Shall the debate now close?"

Senator Beutler moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The motion to cease debate prevailed with 27 ayes, 5 nays, and 17 not voting.

Advanced to E & R for review with 26 ayes, 7 nays, 8 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Senator Erdman filed the following amendment to LB 305:
AM0794

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 "Sec. 2. Section 37-324, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 37-324. (1) The funds derived from the sale of permits
- 5 and publications as provided in the Game Law, any unexpended
- 6 balance now on hand from the sale of hunting, fur-harvesting, and
- 7 fishing permits, and all money required by the Game Law to be paid
- 8 into the State Game Fund are hereby appropriated to the use of the
- 9 commission (a) for the propagation, importation, protection,
- 10 preservation, and distribution of game and fish and necessary
- 11 equipment therefor and all things pertaining thereto, (b) for the
- 12 creation of cash funds under section 37-326, (c) for the
- 13 administration and enforcement of the State Boat Act, (d) for
- 14 boating safety educational programs, (e) for the construction and
- 15 maintenance of boating and docking facilities, navigation aids, and
- 16 access to boating areas and such other uses which will promote the
- 17 safety and convenience of the boating public in Nebraska, and (f)
- 18 ~~(e)~~ for publishing costs for publications relating to topics listed
- 19 in subdivisions (a) ~~through (d)~~ and (b) of this subsection and

20 other topics of general interest to the state as approved by the
21 commission. An amount equal to two dollars from each annual
22 resident fishing permit and two dollars from each combination
23 hunting and fishing permit sold in this state shall be used by the
1 commission for the administration, construction, operation, and
2 maintenance of fish hatcheries and for the distribution of fish.

3 (2) Expenditures for publications on topics of general
4 interest to the state shall not exceed the income derived from
5 single-copy and subscription sales of commission publications and
6 advertising revenue from such publications.

7 Sec. 20. Section 37-1214, Revised Statutes Supplement,
8 2002, is amended to read:

9 37-1214. (1) Except as otherwise provided in section
10 37-1211, the owner of each motorboat shall register such vessel or
11 renew the registration every three years as provided in section
12 37-1226. The owner of such vessel shall file an initial
13 application for a certificate of number pursuant to section 37-1216
14 with ~~the county treasurer of the county in which the applicant~~
15 ~~resides or, in the case of a nonresident, with any a county~~
16 treasurer on forms approved and provided by the commission. The
17 application shall be signed by the owner of the vessel, shall
18 contain the year manufactured, and shall be accompanied by a fee
19 for the three-year period of not less than fifteen dollars and not
20 more than twenty dollars for Class 1 boats, not less than thirty
21 dollars and not more than forty dollars for Class 2 boats, not less
22 than forty-five dollars and not more than sixty dollars for Class 3
23 boats, and not less than seventy-five dollars and not more than one
24 hundred dollars for Class 4 boats, as established by the commission
25 pursuant to section 37-327.

26 (2) If a county board consolidates services under the
27 office of a designated county official other than the county
1 treasurer pursuant to section 23-186, the powers and duties of the
2 county treasurer relating to registration under sections 37-1214 to
3 37-1227 shall be performed by the designated county official.

4 Sec. 21. Section 37-1241.04, Revised Statutes
5 Supplement, 2002, is amended to read:

6 37-1241.04. (1) A person shall operate a personal
7 watercraft on the waters of this state in a reasonable and prudent
8 manner. A maneuver which unreasonably or unnecessarily endangers
9 life, limb, or property is prohibited and includes weaving through
10 congested vessel traffic, ~~or jumping the wake produced by another~~
11 vessel at a distance of less than thirty fifty yards, or jumping
12 the wake produced by a motorboat or personal watercraft that is
13 towing a person or persons.

14 (2) A person shall not operate a personal watercraft on
15 the waters of this state unless he or she is facing forward on the
16 watercraft.

17 Sec. 22. Section 37-1241.06, Revised Statutes
18 Supplement, 2002, is amended to read:

19 37-1241.06. (1)(a) No person under fourteen years of age
20 shall operate a motorboat or personal watercraft on the waters of
21 this state.

22 (b) No person under sixteen years of age shall operate a
23 motorboat or personal watercraft on the waters of this state with
24 an individual in tow behind the motorboat or personal watercraft.

25 (2) Effective May 1, 2000, and until January 1, 2004, a
26 person under sixteen years of age shall not operate a motorboat or
27 personal watercraft on the waters of this state unless he or she
1 has successfully completed a boating safety course approved by the
2 commission and has been issued a valid boating safety certificate.

3 (3) Effective January 1, 2004, a person under eighteen
4 years of age shall not operate a motorboat or personal watercraft
5 on the waters of this state unless he or she has successfully
6 completed a boating safety course approved by the commission and
7 has been issued a valid boating certificate.

8 (4) Effective January 1, 2005, a person under twenty-five
9 years of age shall not operate a motorboat or personal watercraft
10 on the waters of this state unless he or she has successfully
11 completed a boating safety course approved by the commission and
12 has been issued a valid boating certificate.

13 (5) ~~No person under fourteen years of age shall operate a~~
14 ~~personal watercraft on the waters of this state.~~ The commission
15 may charge a fee of no more than ten dollars for a boating safety
16 course required by this section.

17 Sec. 23. Section 37-1241.07, Revised Statutes
18 Supplement, 2002, is amended to read:

19 37-1241.07. Effective May 1, 2000 on the operative date
20 of this section, the owner of a boat livery, or his or her agent or
21 employee, shall not lease, hire, or rent a motorboat or personal
22 watercraft to, or for operation by, any person under sixteen
23 eighteen years of age, unless the person presents his or her
24 certificate issued under section 37-1241.06.

25 Sec. 24. Section 37-1253, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 37-1253. (1) No person shall operate or give permission
1 for the operation of a motorboat on the waters of this state in
2 such a manner as to exceed a noise level of 96 decibels when
3 measured at one hundred feet or more on plane using the A-weighting
4 network of a sound level meter complying with the standards set
5 forth in S1.4-1983 (R 2001) of the American National Standards
6 Institute, as those standards existed on the operative date of this
7 section.

8 (2) The exhaust of every internal combustion engine used
9 on any motorboat shall be effectively muffled by equipment so
10 constructed and used as to muffle the noise of the exhaust in a
11 reasonable manner.

12 The use of cutouts is prohibited, except for motorboats
13 competing in a regatta or boat race approved as provided in

14 sections 37-1262 and 37-1263, and for such motorboats while on
15 trial runs, during a period not to exceed forty-eight hours
16 immediately preceding such regatta or race and for such motorboats
17 while competing in official trials for speed records during a
18 period not to exceed forty-eight hours immediately following such
19 regatta or race.

20 Sec. 25. Section 37-1256, Revised Statutes Supplement,
21 2002, is amended to read:

22 37-1256. (1) In the case of collision, accident, or
23 other casualty involving a vessel, the operator thereof, if the
24 collision, accident, or other casualty results in death, a missing
25 person, or injury to a person or damage to property in excess of
26 five hundred dollars, shall file with the commission a full
27 description of the collision, accident, or other casualty,

1 including such information and within such time limit as the
2 commission may by regulation require.

3 (2) The commission or any other law enforcement agency
4 shall notify the Nebraska State Patrol as soon as practicable in
5 any cases of collision, accident, or other casualty involving a
6 vessel, when the collision, accident, or other casualty results in
7 death, a missing person, or life-threatening injury to a person.

8 (3) The Nebraska State Patrol shall collaborate with the
9 commission or any other law enforcement agency in any
10 investigations pursuant to this section.

11 Sec. 26. Section 37-1273, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 37-1273. All fees as provided by the State Boat Act
14 shall be remitted to the ~~state treasury and by the~~ State Treasurer
15 ~~placed in for credit to~~ the State Game Fund to be used primarily
16 for (1) administration and enforcement of the State Boat Act, (2)
17 boating safety educational programs, (3) the construction and
18 maintenance of boating and docking facilities, navigation aids, and
19 access to boating areas and such other uses as will promote the
20 safety and convenience of the boating public in Nebraska, and (4)
21 publishing costs subject to the restrictions and limitations in
22 section 37-324. Secondary uses for the fees shall be for the
23 propagation, importation, protection, preservation, and
24 distribution of game and fish and necessary equipment therefor and
25 all things pertaining thereto. Such fund, when appropriated by the
26 Legislature, shall be used (1) for the propagation, importation,
27 protection, preservation, and distribution of game and fish and
1 necessary equipment therefor and all things pertaining thereto; (2)
2 for administration and enforcement of the State Boat Act; (3) for
3 the construction and maintenance of boating and docking facilities,
4 navigation aids, and access to boating areas and such other uses as
5 will promote the safety and convenience of the boating public in
6 Nebraska; and (4) for publishing costs subject to the restrictions
7 and limitations in section 37-324.

8 Sec. 27. Sections 1, 3 to 19, 24, and 28 of this act

9 become operative three calendar months after the adjournment of
 10 this legislative session. Sections 12, 20, 21, 25, 26, and 29 of
 11 this act become operative on June 1, 2003. The other sections of
 12 this act become operative on their effective date.

13 Sec. 29. Original sections 37-324 and 37-1273, Reissue
 14 Revised Statutes of Nebraska, and sections 37-1214, 37-1241.04, and
 15 37-1256, Revised Statutes Supplement, 2002, are repealed.

16 Sec. 30. Original sections 37-1241.06 and 37-1241.07,
 17 Revised Statutes Supplement, 2002, are repealed.

18 Sec. 31. Since an emergency exists, this act takes
 19 effect when passed and approved according to law."

20 2. On page 1, line 1, after "sections" insert "37-324,";
 21 in line 2 strike "and 37-496" and insert "37-496, 37-1253, and
 22 37-1273"; in line 5 strike "and 37-495" and insert "37-495,
 23 37-1214, 37-1241.04, 37-1241.06, 37-1241.07, and 37-1256"; in line
 24 8 strike "and limited deer permits" and insert "limited deer
 25 permits, motorboat registration, the operation of motorboats and
 26 personal watercraft, boating accident investigations, and State
 27 Boat Act fees"; in line 10 strike "and" and insert "to provide
 1 operative dates;"; and in line 11 after "sections" insert "; and to
 2 declare an emergency".

3 3. On page 19, line 25, strike "and"; and in line 26
 4 after the first comma insert "37-1253,".

5 4. Renumber the remaining sections and correct internal
 6 references accordingly.

Senator Kremer filed the following amendment to LB 250:
 AM0736

(Amendments to Final Reading copy)

1 1. On page 16, strike beginning with the colon in line
 2 12 through line 21, show the old matter as stricken, and insert "be
 3 in compliance with subdivision (2) of section 81-2,272.23."; and
 4 strike beginning with the colon in line 23 through line 28 and show
 5 the old matter as stricken.

6 2. On page 17, strike lines 1 through 4 and insert "be
 7 in compliance with subdivision (2) of section 81-2,272.23."; and
 8 strike lines 24 through 27, show the old matter as stricken, and
 9 insert "calendar days or at forty-one degrees Fahrenheit (five
 10 degrees Celsius) or below if the food is not to be consumed within
 11 four calendar days.".

12 3. On page 20, strike beginning with "food" in line 25
 13 through "81-2,272.24" in line 26 and insert "ready-to-eat,
 14 potentially hazardous food prepared on premises or by a food
 15 processing plant and opened at a food establishment and
 16 subsequently frozen at such food establishment"; and strike line
 17 28.

18 4. On page 21, strike lines 1 through 3; in line 4
 19 strike "(4)" and insert "(3)"; in line 12, strike "(5)" and insert
 20 "(4)"; strike beginning with "Except" in line 16 through "in" in

21 line 17 and insert "In"; and in line 18 strike "consumption" and
22 insert "preparation".

23 5. On page 22, strike lines 3 through 9.

Senator Synowiecki filed the following amendment to LB 209:
AM0744

1 1. Strike original sections 9 and 15 and insert the
2 following new sections:
3 "Sec. 3. Section 60-497.01, Revised Statutes Supplement,
4 2002, is amended to read:
5 60-497.01. (1) An abstract of the court record of every
6 case in which a person is convicted of violating any provision of
7 the Motor Vehicle Operator's License Act, the Motor Vehicle Safety
8 Responsibility Act, or the Nebraska Rules of the Road, as from time
9 to time amended by the Legislature, or any traffic regulations in
10 city or village ordinances shall be transmitted within thirty days
11 of sentencing or other disposition by the court to the director.
12 Any abstract received by the director more than thirty days after
13 the date of sentencing or other disposition shall be reported by
14 the director to the State Court Administrator.
15 (2) Any person violating section 28-306, 60-696, 60-697,
16 60-6,196, 60-6,197, 60-6,213, or 60-6,214 who is placed on
17 probation shall be assessed the same points under section 60-4,182
18 as if such person were not placed on probation, ~~unless a court has~~
19 ~~ordered the installation of an ignition interlock device pursuant~~
20 ~~to section 60-6,211.05 and sufficient evidence is presented to the~~
21 ~~department that such a device is installed.~~ For any other
22 violation, the director shall not assess such person with any
23 points under such section for such violation when the person is
24 placed on probation, until the director is advised by the court
1 that such person previously placed on probation has violated the
2 terms of his or her probation and such probation has been revoked.
3 Upon receiving notice of revocation of probation, the director
4 shall assess to such person the points which such person would have
5 been assessed had the person not been placed on probation. When a
6 person fails to successfully complete probation, the court shall
7 notify the director immediately.
8 Sec. 13. Section 60-6,197.01, Revised Statutes
9 Supplement, 2002, is amended to read:
10 60-6,197.01. (1) Upon conviction for a second or
11 subsequent violation of section 60-6,196 or 60-6,197, the ~~court~~
12 ~~shall impose either of the following restrictions on all motor~~
13 ~~vehicles owned by the person so convicted:~~
14 (1)(a) The court shall order the motor vehicle or motor
15 vehicles immobilized at the owner's expense for a period of time
16 not less than five days and not more than eight months and shall
17 notify the Department of Motor Vehicles of the period of
18 immobilization. Any immobilized motor vehicle shall be released to
19 the holder of a bona fide lien on the motor vehicle executed prior

20 to such immobilization when possession of the motor vehicle is
21 requested as provided by law by such lienholder for purposes of
22 foreclosing and satisfying such lien. If a person tows and stores
23 a motor vehicle pursuant to this subdivision at the direction of a
24 peace officer or the court and has a lien upon such motor vehicle
25 while it is in his or her possession for reasonable towing and
26 storage charges, the person towing the vehicle has the right to
27 retain such motor vehicle until such lien is paid. For purposes of
1 this subdivision, immobilized or immobilization means revocation or
2 suspension, at the discretion of the court, of the registration of
3 such motor vehicle or motor vehicles, including the license plates.

4 ~~;~~ ~~and~~
5 ~~(b)(i)~~ (2)(a) Any immobilized motor vehicle shall be
6 released by the court without any legal or physical restraints to
7 any registered owner who is not the registered owner convicted of a
8 second or subsequent violation of section 60-6,196 or 60-6,197 if
9 an affidavit is submitted to the court by such registered owner
10 stating that the affiant is employed, that the motor vehicle
11 subject to immobilization is necessary to continue that employment,
12 that such employment is necessary for the well-being of the
13 affiant's dependent children or parents, that the affiant will not
14 authorize the use of the motor vehicle by any person known by the
15 affiant to have been convicted of a second or subsequent violation
16 of section 60-6,196 or 60-6,197, that affiant will immediately
17 report to a local law enforcement agency any unauthorized use of
18 the motor vehicle by any person known by the affiant to have been
19 convicted of a second or subsequent conviction of section 60-6,196
20 or 60-6,197, and that failure to release the motor vehicle would
21 cause undue hardship to the affiant.

22 ~~(ii)~~ (b) A registered owner who executes an affidavit
23 pursuant to subdivision ~~(1)(b)(i)~~ (2)(a) of this section which is
24 acted upon by the court and who fails to immediately report an
25 unauthorized use of the motor vehicle which is the subject of the
26 affidavit is guilty of a Class IV misdemeanor and may not file any
27 additional affidavits pursuant to subdivision ~~(1)(b)(i)~~ (2)(a) of
1 this section.

2 ~~(iii)~~ (c) The department shall adopt and promulgate rules
3 and regulations to implement the provisions of subdivision ~~(1)~~ of
4 this section. ~~;~~ ~~or~~

5 ~~(2) As an alternative to subdivision (1) of this section,~~
6 ~~the court shall order the installation of an ignition interlock~~
7 ~~device on each of the owner's motor vehicles if the owner was~~
8 ~~sentenced to an operator's license revocation of at least one year~~
9 ~~and has completed at least one year of such revocation. No license~~
10 ~~reinstatement may occur until sufficient evidence is presented to~~
11 ~~the department that an ignition interlock device is installed on~~
12 ~~each vehicle and that the applicant is eligible for use of an~~
13 ~~ignition interlock device. The installation of an ignition~~
14 ~~interlock device shall be for a period not less than six months~~

15 commencing upon the end of such year of the operator's license
 16 revocation. Notwithstanding any other provision of law, if the
 17 owner was convicted of a second or subsequent violation of section
 18 60-6,196 or 60-6,197, no ignition interlock device shall be ordered
 19 by any court or state agency under any circumstances until at least
 20 one year of the operator's license revocation shall have elapsed.

21 Sec. 21. The following sections are outright repealed:

22 Sections 60-4,118.06, 60-6,211.05, and 83-1,127.02, Revised
 23 Statutes Supplement, 2002."

24 2. On page 10, strike beginning with "Except" in line 1
 25 through "a" in line 2, show as stricken, and insert "A"; in line 10
 26 strike "(a)" and show as stricken; and strike beginning with "and"
 27 in line 16 through the period in line 23, show as stricken, and
 1 insert an underscored period.

2 3. On page 18, lines 11 and 12; and page 26, lines 20
 3 and 21, strike "unless otherwise authorized by an order issued
 4 pursuant to section 60-6,211.05," show as stricken, and insert an
 5 underscored comma.

6 4. On page 19, lines 7 through 9; page 20, lines 12 and
 7 13; page 21, lines 18 and 19; page 27, lines 18 through 20; page
 8 28, lines 24 and 25; and page 30, lines 3 and 4, strike "unless
 9 otherwise authorized by an order issued pursuant to section
 10 60-6,211.05" and show as stricken.

11 5. On page 42, line 12, strike "60-4,118.06" and insert
 12 "60-497.01", after "60-6,197," insert "60-6,197.01,", and after
 13 "60-6,207," insert "and"; and in line 13 strike "and 60-6,211.05,".

14 6. Renumber the remaining sections and correct internal
 15 references accordingly.

Senator Smith filed the following amendment to LB 726:
 FA1198

Pg. 3, line 25 add "For the purposes of this section, the funds may not be
 used for debt incurred prior to Jan. 1, 2004.

Senator Schimek filed the following amendment to LB 357:
 AM0747

(Amendments to Final Reading copy)

1 1. Insert the following new sections:
 2 "Sec. 5. The Corporation Cash Fund is created.
 3 Transfers from the fund to the Election Administration Fund may be
 4 made at the direction of the Legislature. On or before May 1,
 5 2003, the State Treasurer shall transfer two hundred sixty thousand
 6 dollars from the Corporation Cash Fund to the Election
 7 Administration Fund. Any money in the Corporation Cash Fund
 8 available for investment shall be invested by the state investment
 9 officer pursuant to the Nebraska Capital Expansion Act and the
 10 Nebraska State Funds Investment Act.

11 Sec. 6. Section 67-293, Reissue Revised Statutes of
 12 Nebraska, is amended to read:

13 67-293. The filing fee for all filings pursuant to the
 14 Nebraska Uniform Limited Partnership Act, including amendments and
 15 name reservation, shall be ten dollars plus the recording fees set
 16 forth in subdivision (4) of section 33-101, except that the filing
 17 fee for filing a certificate of limited partnership pursuant to
 18 section 67-240 and for filing an application for registration as a
 19 foreign limited partnership pursuant to section 67-281 shall be two
 20 hundred dollars plus such recording fees. A fee of one dollar per
 21 page shall be paid for a certified copy of any document on file
 22 pursuant to the act. The fees for filings pursuant to the act
 23 shall be paid to the Secretary of State and by him or her remitted
 1 to the State Treasurer. The State Treasurer shall credit fifty
 2 percent of such fees to the General Fund and fifty percent of such
 3 fees to the Corporation Cash Fund, ~~which is hereby created. Any~~
 4 ~~money in the Corporation Cash Fund available for investment shall~~
 5 ~~be invested by the state investment officer pursuant to the~~
 6 ~~Nebraska Capital Expansion Act and the Nebraska State Funds~~
 7 ~~Investment Act. Any money in the Uniform Limited Partnership Cash~~
 8 ~~Fund on January 1, 1995, shall be transferred to the Corporation~~
 9 ~~Cash Fund on such date.~~

10 Sec. 8. Since an emergency exists, this act takes effect
 11 when passed and approved according to law."
 12 2. On page 1, strike beginning with "elections" in line
 13 1 through line 6 and insert "state government; to amend sections
 14 32-308, 32-312, and 67-293, Reissue Revised Statutes of Nebraska,
 15 and sections 32-301 and 32-329, Revised Statutes Supplement, 2002;
 16 to change provisions relating to registration of voters; to provide
 17 for transfers of funds; to harmonize provisions; to repeal the
 18 original sections; and to declare an emergency."
 19 3. On page 2, line 25, after "list" insert ", and funds
 20 available in the Election Administration Fund may be used for such
 21 purposes".
 22 4. On page 10, line 23, strike "and 32-312" and insert
 23 ", 32-312, and 67-293".
 24 5. Renumber section 5 as section 7.

ANNOUNCEMENTS

The Executive Board designates LB 598 and LB 470 as its priority bills.

Senator Cunningham designates LB 73 as his priority bill.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 564. Placed on General File as amended.
 Standing Committee amendment to LB 564:
 AM0767

1 1. Strike the original section and insert the following
2 new sections:
3 "Section 1. Section 77-112, Revised Statutes Supplement,
4 2002, is amended to read:
5 77-112. Actual value of real property for purposes of
6 taxation means the market value of real property in the ordinary
7 course of trade. Actual value may be determined using
8 professionally accepted mass appraisal methods, including, but not
9 limited to, the (1) sales comparison approach, (2) income approach,
10 and (3) cost approach. Actual value is the most probable price
11 expressed in terms of money that a property will bring if exposed
12 for sale in the open market, or in an arm's length transaction,
13 between a willing buyer and willing seller, both of whom are
14 knowledgeable concerning all the uses to which the real property is
15 adapted and for which the real property is capable of being used.
16 In analyzing the uses and restrictions applicable to real property,
17 the analysis shall include a consideration of the full description
18 of the physical characteristics of the real property and an
19 identification of the property rights being valued.
20 Sec. 2. Original section 77-112, Revised Statutes
21 Supplement, 2002, is repealed."

LEGISLATIVE BILL 462. Indefinitely postponed.

LEGISLATIVE BILL 592. Indefinitely postponed.

(Signed) David Landis, Chairperson

ANNOUNCEMENT

Senator Raikes designates LB 540 as his priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 47. Introduced by Erdman, 47.

WHEREAS, the Paxton Lady Tigers girls' basketball team won the Nebraska Class D-2 Girls' State Basketball Championship with a sixty-three to forty-six victory over Banner County; and

WHEREAS, Paxton went undefeated throughout this season under Coach Dale Schroeder; and

WHEREAS, Mandy Nelsen won All State Honors, was appointed the Honorary Captain of the D-2 Squad, and was appointed to the All Tourney Team. Teammate Kelsey Perlinger also won All State Honors; and

WHEREAS, the Paxton girls' basketball team represented their community with excellence and sportsmanship.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Paxton Lady Tigers girls' basketball team on their successful season.

2. That a copy of this resolution be sent to the team and coach Dale Schroeder.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Senator Combs asked unanimous consent to have her name added as cointroducer to LB 136, LB 171, LB 172, LB 332, LB 522, and LB 667. No objections. So ordered.

Senator Stuthman asked unanimous consent to have his name added as cointroducer to LB 111. No objections. So ordered.

Senator McDonald asked unanimous consent to have her name added as cointroducer to LB 294. No objections. So ordered.

Senator Friend asked unanimous consent to have his name added as cointroducer to LB 439. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 604. No objections. So ordered.

Senators Tyson and Dw. Pedersen asked unanimous consent to have their names added as cointroducers to LB 643. No objections. So ordered.

Senator Schimek asked unanimous consent to have her name added as cointroducer to LB 726. No objections. So ordered.

Senator Foley asked unanimous consent to have his name added as cointroducer to LB 756. No objections. So ordered.

VISITORS

Visitors to the Chamber were Caitlen Urdahl from Chadron; Glenn Sorensen from Lincoln and Taylor Johnson and Nathan Caldwell; 19 fourth-grade students and teacher from St. Paul Lutheran School, Beatrice; and Randy and Lisa Papenhausen from Coleridge.

The Doctor of the Day was Dr. Dale Michels from Lincoln.

ADJOURNMENT

At 11:52 a.m., on a motion by Senator Janssen, the Legislature adjourned until 9:00 a.m., Friday, March 14, 2003.

Patrick J. O'Donnell
Clerk of the Legislature